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November 3, 2023

**Via ECF**

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Furet v. City of New York, et al.*  
22 Civ. 3172 (AT)

Your Honor:

This office represents plaintiff Dwight Furet in the above-referenced action. I write on behalf of the parties to respectfully request a sixty (60) day enlargement of time to complete fact discovery, from November 6, 2023 to January 5, 2024, and an extension of the expert discovery deadline to February 19, 2024. The parties also respectfully request an adjournment of the case management conference currently scheduled for November 21, 2023 to a date after the close of fact discovery. Defendants' counsel, Zachary Kalmbach for defendants City of New York and Logan Payano and John Burns for defendant Joseph Franco, consent to this request.

This is the parties' second request for an extension of the discovery deadlines. Your Honor previously extended these deadlines on June 22, 2023. The reason for this request is that depositions were previously scheduled to be held in September; however, counsel of record, Zachary Kalmbach, was out of the office on paternity leave and then, upon his return, he had a trial that same week. Accordingly, the next date available to accommodate counsel, the parties, and the jail facility was October 26, 2023. Plaintiff's deposition began and was substantially completed on that date, but had to be continued to November 3, 2023 due to unforeseen circumstances at the jail.<sup>1</sup> The depositions of defendants Franco and Payano have been rescheduled for November 14<sup>th</sup> and 16<sup>th</sup>. Additionally, the parties envision the need for post-deposition discovery.

The parties have worked amicably and diligently to complete discovery, but more time is needed. For the reasons stated above, the parties respectfully request a 60-day extension of the discovery deadlines in this matter and an adjournment of the November 21<sup>st</sup> case management conference.

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<sup>1</sup> Plaintiff's deposition began on October 26, 2023; however, due to a technical issue at the jail facility, the video conferencing system went down and we were unable to continue that day. The parties were able to schedule the continuation of Plaintiff's remote deposition for November 3, 2023 and his deposition was completed on this day.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

HELD & HINES, LLP

/s/ Philip Hines

Philip M. Hines

GRANTED. Fact discovery shall close on **January 5, 2024**, and expert discovery shall close on **February 19, 2024**. The case management conference scheduled for November 21, 2023, is ADJOURNED to **January 30, 2024 at 10:00 a.m.** The parties shall file a joint status letter no later than one week in advance of the conference.

SO ORDERED.

Dated: November 6, 2023  
New York, New York



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ANALISA TORRES  
United States District Judge